



AMERICAN TRANS AIR
DEPARTMENT OF TRANSPORTATION

1991 FEB 13 PM 2:37

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DOCKET SECTION

BRUCE G. BAUN
Vice President, Administration

February 12, 1991

Docket Clerk
U.S. Department of Transportation
Room 4107
400 Seventh St. SW
Washington, DC 20590

Re: **(ANPRM) PASSENGER MANIFEST INFORMATION**

Dear Sirs:

This letter is our response to the numerous queries posed in the Department of Transportation's Advance Notice of Proposed Rulemaking (the "Notice") concerning passenger manifest information. Before addressing the specifics of the Notice, we would like to state that our position and concerns must remain unchanged as stated in our letter addressed to Mr. Levine dated 2/12/90. (copy attached)

Our comments on the Notice queries are as follows:

- The proposed definition of "Aviation Disaster" as stated is overly broad. Also, the verbiage "or the aircraft receives substantial damage either as the result of an accident or of an unlawful act directed at the aircraft or its passengers", is not only unnecessary, but also vague and non-descript.
- A passenger who refuses to provide the carrier with the required information should be refused transportation. Airlines, however, should be given the flexibility of having the passengers sign a waiver form that would release the carrier from liability.
- The information collection requirement should be applicable to all passengers travelling internationally.
- At the present time, we cannot offer any suggestions relative to what should be done if a foreign country prohibits the collection of the personal information that the Aviation Security Improvement Act specifies be included in the passenger manifest.
- The passenger manifest requirement policy should only be enforced for international flights and **NOT** be expanded to include domestic U.S. flights.
- Of the two possible approaches outlined on page 6, American Trans Air prefers approach number 2.

- . Carriers should be allowed to use their "best-efforts" to obtain necessary information.
- . Whether accomplished in an automated CRS system or manually, stand-bys, walk-ups, no-shows, industry non-revenueurs, lap infants, and rerouters should be on the carrier's manifest or in an automated CRS system in the same fashion as required of those passengers holding confirmed reservations and tickets.
- . A legal distinction should be made in reporting requirements and implementation for flight segments to/from the United States vs. those between two foreign points.
- . Foreign airlines (serving U.S. markets), tour operators, and travel agencies should be required by law, with penalties assessed for noncompliance, to obtain this same information being required of U.S. flag carriers.
- . We contend that foreign carriers not subject to these rules would create a negative competitive impact on U.S. carriers. We believe the travelling public would view those airlines not required to obtain this information as more passenger oriented, hassle-free, and service oriented than those carriers required to obtain said information.

It is credible to believe that many passengers would select an airline on the basis of not having to provide all of the information being required at this time by the DOT. It does not appear that there is any anticipated benefits to the U.S. air carriers as a result of being required to collect passenger information. We agree that the additional information would primarily aid the Department of State in its efforts to notify the next-of-kin of passengers involved in aviation disasters. We also agree that there would be a benefit in terms of time saved and mistakes avoided should an airline disaster occur. However, the amount of time and money (millions of dollars) that will be expended to obtain this information, is certainly a cause for concern and alarm especially for those carriers with non-automated CRS systems.

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As always, American Trans Air will do everything in its power to ensure compliance with the public law that was enacted November 16, 1990. We continue to have concerns about how this law is going to affect passenger service and increase passenger handling costs for the air carriers. We trust that this information will be reviewed in the positive manner in which it is being given. We will look forward to receiving additional information from the Department of Transportation as it becomes available. Thank you for allowing us the opportunity to respond to your concerns.

Sincerely

A handwritten signature in dark ink, appearing to read 'SAB', followed by four dashes '----'.

Bruce G. Baun, ~~Vice~~ President
Administration

BGB/rjb



BRUCE G. BAUN
Vice President, Administration

February 12, 1990

Mr. Arnold Levine, Director
U.S. Department of Transportation
400 Seventh St. S.W.
Washington, D.C. 20590

Dear Mr. Levine:

It was a pleasure meeting with you and the other members of the Air Transport Association of January 30, 1990, to discuss the possible ramifications of adhering to the guidelines/demands currently being proposed by the Department of State. Pursuant to our discussion, I have taken the liberty of outlining some of the unique circumstances inherent to American Trans Air, as a charter carrier, with regards to compliance of the proposed requests/demands. The following is a detailed list of questions/concerns that we, at American Trans Air, feel need to be addressed prior to being able to make a commitment on our part.

These questions/concerns need to be addressed by the State Department in order for us to fully understand not only the impact they may have on our business as a predominantly charter carrier; but also, whether or not the demands are even feasible for us to adhere to.

1. Will international Charter Flights be exempt from all or some of the guidelines/demands given the fact that the carrier is not in control of the single seat (individual) bookings?

Based on revenue figures tracked between January - September 1989, the following is a list of our passenger mix:

<u>PASSENGERS CARRIED:</u>	<u>PERCENTAGE:</u>
Wholesale Charters	51%
Incentive Passengers	7%
Scheduled Service Passengers	8%
Military Passengers	10%
Amber/Ambassador Passengers	5%*
Wet Leases/Sub-services	19%
	<hr/> 100%

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***Scheduled Service and Amber/AmbassadAir Passengers...13%**

Of the above listed passenger mix, American Trans Air (the airline) is only in control of bookings for our scheduled service passengers (8%) and **Amber/AmbassadAir** passengers (5%). As you can see of the 100% passenger mix, American Trans Air only reserves single seats for 13% of all passengers carried.

I have discussed the guidelines/demands with our Manager of Reservations and we both concur that it would not be that difficult a task for us to adhere to the guidelines for this 13% of the passengers. In fact, our Reservations Manager felt that it would be relatively easy to implement these guidelines. Significant modifications to the reservations system would not be required. All information the State Department is seeking could be input into the system as it exists today for this 13% of our passenger mix.

However, there will be a considerable amount of additional time required of reservationists due to the fact that most passengers are not going to have their passport number memorized or readily available. It will necessitate either the passenger asking the reservationist to hold while they obtain their passport (if they keep their passport with them), or advising the **reservationist that** they will need to call back with their number.

Additionally, in discussing this matter at length with our Management Information Systems Department, it was determined that by requiring full and complete names and passport numbers additional computer storage space would be required. At the present time, the name field is limited to 25 characters. (Could possibly be a concern especially with ethnic names) They also stated that they felt there would be some (minor) changes that would need to be implemented to our present computer system should these guidelines become requirements. Another concern expressed was the impact these requirements might have down the road should our single seat bookings drastically increase. I am sure this concern is being addressed very strongly by the major scheduled carriers.

2. Will the guidelines be imposed unilaterally on travel agencies, tour operators, military booking agencies, etc?

The balance of our passenger mix (87%) is significant; to say the least. Bookings/Reservations for this 87% of our passengers is totally out of our control.

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Detailed below is how this 87% of our revenue breaks down and the associated concerns relative to total compliance to the State Department's proposals.

Wholesale Charters...51%

These are charter flights contracted for by tour operators and larger travel agencies. We provide the aircraft, insurance, maintenance and crew. They handle all concerns relative to passengers (ie. Reservations, Ticketing, Operator Participant Contracts, etc.). It is in this area that we receive most of our revenue. After reading through all of the documentation forwarded me, it is difficult to ascertain whether or not the Department of State will be requiring not only the airlines to adhere to the guidelines being proposed; but also, tour operators as well as travel agencies. At the present time, tour operators provide us with a final and complete copy of the passenger manifest. Should these guidelines become mandatory, the Department of State will need to make it mandatory for travel agencies/tour operators to comply with these guidelines if this program is to be successful.

Wet Leases/Subservice...19%

A wet lease is defined as "The leasing of our aircraft to another airline to operate their flight/s for a certain duration of time", The majority of these operations are usually for a period of time in excess of three months. The aircraft is painted in the leasing carriers colors and their name/logo appears on the aircraft. For all intents and purposes, this aircraft becomes one of their own during the time of the lease. We provide the aircraft, insurance, crew and maintenance. We have nothing to do with passengers whatsoever. It is important to note that many of these leases are to foreign airlines and are totally operated on foreign soil.

A subservice is a service that is provided either for us by another air carrier or by us for another carrier. These take place, usually at the last minute, when a carrier for whatever reasons, determines that they are unable to operate a specific flight/s. Again, the carrier operating the subservice provides the aircraft, insurance, maintenance and crew. They are not, in any way, in control of passenger services. (ie. Reservations, Ticketing, etc.)

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Military Passengers...10%

We realize, the purpose for the State Department requiring additional information about passengers is to notify the passengers' next of kin in an expedient manner should an emergency occur. The military is unique in that it has always been a tradition for the military branches to inform the next of kin of service members injured or killed while on duty by sending other military personnel to the home of the next of kin. The military uses their own manifest for check-in. This manifest consists of: rank, last name, first name or initial and their serial number. (Note: this serial number is not their social security number due to the Disclosure Law passed some years ago.) Although all next of kin notification procedures are handled by the military, should the proposed guidelines become mandatory, we would have to require this information from the military as applicable, unless the Department of State granted exemptions in this area. Note: Many military personnel do not have passports as they are not required when serving in the military.

3. Will all of the guidelines/demands be required for single entity charters?

Incentive Passenger Charters...7%

Incentive Passenger Charters can differ from a normal contract charter if it is a "Single Entity Charter." A single entity charter is one whereby the charter is purchased by a "single" individual, organization or **company**, usually for incentive purposes. The participants (passengers) do not pay for seats; the individual organization/company, etc. pays the entire cost of the trip. This type of charter does not require security screening unless passengers must enter a sterile area. This type of charter is usually an "affinity" **type** charter. (ie. all members have an affinity to each other... a club, an organization, a ball team, band members, etc.)

4. Will these guidelines/demands be required for flight departures originating in another country other than the U.S.?

American Trans Air operates a substantial number of flights that originate in countries other than the U.S.' Most of the passengers carried are foreign passengers and not U.S. citizens. What guidelines/demands will be made on the air carrier under these circumstances? Again, these are contracted charters whereby we are providing the aircraft, insurance, maintenance and crew. We are not in control of single seat activity.

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5. When a carrier enters into a wet lease agreement (previously defined) with another airline, which carrier is responsible for adhering to said guidelines/demands? Also, will the requirements be different for a wet lease domestically as opposed to being wet leased to a foreign national?
6. When a flight is subserviced (previously defined) to/from another carrier, which carrier will be accountable for obtaining the Department of State's requirements?
7. Will these guidelines apply to American carriers when transporting passengers solely on international soil? (ie. Paris-Frankfort-Montreal)

Mr. Levine, as you can see, American Trans Air's operation is somewhat unique in the air transportation business. We do not parallel operations of scheduled carriers. For instance, in calendar year 1989, American Trans Air operated into/out of 254 foreign cities as well as 218 domestic cities. In the great majority of these locations, we are dependent on contracted labor to oversee our operations. Certainly, it is the position of American Trans Air to cooperate with and assist the Department of State in any manner possible to ensure accurate and timely information is obtained and disseminated.

On a positive note, in 1989, American Trans Air completely revised and updated our corporate procedures emergency notification manual. Certainly, one of our major goals in undertaking this task was to outline for all of our personnel the policies and procedures that would be necessary should an incident take place. One of the concerns stressed throughout our Emergency Manual is the timely and compassionate notification of next of kin. We feel very strongly at American Trans Air that should an emergency/accident occur, all possible should be done immediately for the survivors of said accident in addition to ensuring a timely response to the next of kin's family members.

I trust that this letter will better enable you to understand our concerns here at American Trans Air. Again, to reiterate, we do not feel that it would be a problem for us to adhere to the proposed guidelines for the 13% of the business we directly control. We would, however, need to have our concerns addressed relative to the other 87% of our business. It remains our position that we are willing to cooperate and assist the Department of State in every way possible. However, we must be reasonable in our expectations. In many of the above listed scenarios, we could agree to comply with any/all demands made of us, however, I think that you will agree that in actuality, the demands/requests may simply not be feasible.

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Again, Mr. Levine, thank you for taking the time to discuss this matter with me at the meeting in Washington D.C. I would also like to thank you for taking the time to read and consider this correspondence. If I can provide any additional information or be of any further assistance, please do not hesitate to contact me.

Sincerely,

Bruce Baun
Vice President - Administration

BB/rjb

cc. Mr. Donald Comlish, General Counsel
Air Transport Association